

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BLAKE DRAPER

on behalf of himself and
all others similarly situated,

Case No. 11-CV-535

Plaintiff,

vs.

CAPTEL, INC.

Defendant.

DECLARATION OF HEATH P. STRAKA

I, Heath P. Straka, certify under penalty of perjury that the following is true and correct to the best of my knowledge and recollection:

1. The statements set forth in this declaration are made of my own personal knowledge and, if called as a witness, I could and would testify competently to the matters stated below.

2. I am an adult resident of the State of Wisconsin and am an attorney in good standing, licensed to practice in Wisconsin and in front of this Court.

3. I have practiced law in Madison, Wisconsin for more than 10 years, and have represented Plaintiffs in multiple class and collective action wage and hour matters.

4. I am aware that Attorneys Parsons and Zoeller have represented Plaintiffs in multiple class and collective action wage and hour matters in front of the Western District of Wisconsin as well as other Federal District Courts

throughout the country. I have worked with Attorneys Parsons and Zoeller as co-counsel representing Plaintiffs in multiple class and collective action wage and hour cases.

5. I am aware that Attorney Parsons' hourly rate is \$300 per hour.

6. I am aware that Attorney Zoeller's hourly rate is \$275 per hour.

7. As an attorney who has practiced in this market for more than 10 years, and as counsel on other complex class and collective wage and hour matters, I am familiar with the market rate in Wisconsin for representation of plaintiffs under state law and the FLSA with respect to class and collective action wage and hour claims. The market rate for such claims is between 30% and 33.33%.

8. I understand that class counsel in the above-captioned matter is filing a Petition for Attorneys' Fees and Costs. I further understand class counsel is petitioning for an attorney fee of approximately 22.4% of the common fund of \$297,500, in addition to reimbursement of costs.

9. Based on my experience and knowledge of the market, as well as my personal knowledge of the work of the attorneys at Hawks Quindel, S.C., my opinion is that this contingent fee is reasonable, and likely below the market rate for this type of case. Further, based on my experience and knowledge of the market, and my review of the filings in this matter, my opinion is that the result reached for the Plaintiffs is fair and reasonable, and an excellent result relative to other wage and hour class actions that I am familiar with from around the country, including claims for repayment of wages due to rounding policies.

Executed on October 23rd, 2012.

/s/ Heath P. Straka
Heath P. Straka